

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3671 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SAURASHTRA CHEMICAL KAMDAR SANGH

Versus

BIRLA VXL LIMITED

Appearance:

MR HB SHAH for Petitioners

MR DAVE for NANAVATI ASSOCIATES for Respondent No. 1

MR GOHIL ASSTT.GOVERNMENT PLEADER

for Respondent NoS. 2 and 4.

MR SR SHAH for Respondent No. 3

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 02/12/97

ORAL JUDGEMENT

Rule. Respondents waive the notice of the Rule.
Petitioners Unions have filed this petition on behalf of several workmen whom the said Union represent.

It is alleged in the petition that the concerned

workmen who are insured and registered under the Employees' State Insurance Act, 1948 are not extended the benefits under the Act. These workers are employed in the factory of Saurashtra Chemicals run and managed by M/s. Birla VXL Ltd. (Respondent No.1)

A list of such workmen and some details of their claims are set out in the list Annexure E to the petition.

Now, it is not in dispute that the Act applies to the factory which is situate at Porbandar. Provisions do apply to these employees who are insured and registered with the Respondent No.3- Corporation established under the Act.

These employees have to pay their contributions as per the provisions of Chapter XI of the Act.

The management of respondent no.1 collects the contribution and the same is paid over to the Corporation alone with its own share of contribution.

The employees are entitled to the benefits as set out in Chapter 111 of the Act. They cannot be denied those benefits.

But there is a factor which has created hurdles in the payment of these benefits to these employees. Porbandar is not quiet peaceful and business like as any other urban or semi-urban centre. It is the submission of the respondents State and Corporation both that their staff in the past was threatened and could not function normally according to the rules of the Corporation and to-day the establishments of the Respondent Nos. 2,3 and 4 are closed.

For this situation, the Authorities cannot be blamed as far as I can see. The petitioners- Unions have failed to create a peaceful atmosphere for the staff of Respondent Nos. 2,3 and 4 to effectively function.

However, these employees who have suffered disabilities and have become entitled to claim must be paid.

Their claims must be settled without delay. I am told that some of the claims have been settled but some still remains to be examined and settled.

Mr S.R.Shah for the ESI Corporation submits that

the workers must fill in forms which can be examined and claims made, could be settled.

These forms could be supplied by the Corporation and they must be filled and submitted to the Authorities.

The petitioner-Unions may help the employees in submitting their claims.

The respondent no.4 may also examine the sickness -claim for disbursement of benefits to the concerned employees.

All the above exercise must be completed with three months from today.

Rule made absolute to the aforesaid extent with no order as to costs.

(ccs)